

PL Sum. J.

Ex. 035



Transcript of Nha Luan “Vickie” Lam

Friday, March 11, 2022

W.K. v. Red Roof Inns, Inc

www.trustpoint.one
www.alderonreporting.com
800.FOR.DEPO (800.367.3376)
Scheduling@Trustpoint.One

Reference Number: 113729

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WK, EH, MM, RP, MB, DP, AF,
CA, RK, KP, TH,

Plaintiffs,

vs.

RED ROOF INNS, INC., et al.

Defendants.

JANE DOES 1-4

Plaintiffs,

vs.

RED ROOF INNS, INC., ET AL.

Defendants.

E.F.,

Plaintiff,

vs.

RED ROOF INNS, INC., RED
ROOF FRANCHISING, LLC, HJA
ENTERPRISES INC., and SAI
NATIONAL HOSPITALITY VENTURES,
LLC,

Defendants.

J.A.,

Plaintiff,

vs.

RED ROOF INNS, INC., RED
ROOF FRANCHISING, LLC,
and VARAHI HOTEL, LLC,

Defendants.

)
)
)
) Civil Action No.
) 1:20-CV-5263-MHC
)

)
)
)
)
)
)
) Civil Action No.
) 1:21-CV-04278-WMR
)

)
)
)
)
)
)
) Civil Action No.
) 1:20-CV-04373-SDG
)

)
)
)
)
)
)
)
)
) Civil Action No.
) 1:20-CV-03655-TWT
)

)
)
)
)
)
)
)
)
)

1

2 THE VIDEO DEPOSITION UPON ORAL EXAMINATION OF

3 NHA LUAN "VICKIE" LAM,

4 the deponent produced and sworn before me,

5 Lindsay N. Bola, Notary Public in and for

6 the County of Hamilton, State of Indiana, taken

7 on behalf of the plaintiffs, at the office of

8 Lewis Brisbois Bisgaard & Smith, 50 East 91st

9 Street, Suite 104, Indianapolis, Marion County,

10 Indiana, on the 11th day of March 2022, commencing

11 at approximately 9:00 a.m., pursuant to the Federal

12 Rules of Civil Procedure and the Georgia Civil

13 Practice Act with written notice as to the time and

14 place.

15

16

17

18

19

20

21

22

23

24

25

1

2

A P P E A R A N C E S

3

4

ON BEHALF OF THE PLAINTIFFS WK, EH, MM, RP, MB,
DP, AF, CA, RK, KP, TH, JANE DOES 1-4:

5

Amanda Kay Seals, Esq.

Juliana Mesa, Esq.

6

Tiana S. Mykkeltvedt, Esq.

BONDURANT MIXSON & ELMORE, LLP

7

1201 West Peachtree Street

Suite 3900

8

Atlanta, GA 30309

seals@bmelaw.com

9

jmesa@bmelaw.com

mykkeltved@bmelaw.com

10

ON BEHALF OF THE PLAINTIFF J.A.:
(Appearing via Zoom)

12

Patrick McDonough, Esq.

13

Jonathan S. Tonge, Esq.

ANDERSEN TATE & CARR, P.C.

14

1960 Satellite Boulevard

Suite 4000

15

Duluth, GA 30097

pmcdonough@atclawfirm.com

16

jtonge@atclawfirm.com

17

ON BEHALF OF THE PLAINTIFF E.F.:
(Appearing via Zoom)

19

Richard Hendrix, Esq.

20

FINCH MCCRANIE, LLP

1700 South Tower

21

Atlanta, GA 30303

rhendrix@finchmccranie.com

22

23

24

25

1 ON BEHALF OF THE DEFENDANTS RED ROOF INNS, INC.,
2 AND RED ROOF FRANCHISING, LLC:

3 Adi Allushi, Esq.
4 LEWIS BRISBOIS BISGAARD @ SMITH
5 600 Peachtree Street, NE
6 Suite 4700
7 Atlanta, GA 30308
8 adi.allushi@lewisbrisbois.com

9 Christian Novay, Esq.
10 LEWIS BRISBOIS BISGAARD & SMITH
11 550 West Adams Street
12 Suite 300
13 Chicago, IL 60661
14 christian.novay@lewisbrisbois.com

15 ON BEHALF OF THE DEFENDANT SAI NATIONAL HOSPITALITY
16 VENTURES, LLC:

17 Warner S. Fox, Esq.
18 Elliott C. Ream, Esq. (appearing via zoom)
19 HAWKINS PARNELL & YOUNG, LLP
20 303 Peachtree Street, N.E.
21 Suite 4000
22 Atlanta, GA 30308
23 wfox@hyplaw.com
24 eream@hpylaw.com

25 ON BEHALF OF THE DEFENDANT HJA ENTERPRISES, INC.
d/b/a RED ROOF PLUS & SUITES:
(Appearing via Zoom)

Ashley D. Alfonso, Esq.
SWIFT CURRIE MCGHEE & HIERS, LLP
1355 Peachtree Street, NE
Suite 300
Atlanta, GA 30309
ashley.alfonso@swiftcurrie.com

ALSO PRESENT:

Kelly Haering

1 made part of the exhibit. But rather than
2 having the witness try to look at an Excel
3 spreadsheet, we've made the excerpt for her.

4 MR. ALLUSHI: Is there anything else
5 on that drive?

6 MS. SEALS: There is, yes.

7 MR. NOVAY: That's not the full, but
8 the --

9 MR. ALLUSHI: No. I'm asking if
10 there's any other exhibits.

11 MS. SEALS: There are other exhibits
12 that we may introduce as well.

13 MR. ALLUSHI: Okay.

14 MS. SEALS: But we'll make that clear
15 for the record. And to extent there are
16 additional files on that flash drive that we
17 may not introduce as part of the record, in
18 which case we'll ask that you delete those
19 files before we leave today so that the only
20 files that are on the flash drive are files
21 that we have introduced in this deposition.

22 CONTINUED BY MS. SEALS:

23 Q. So the title of this email, and by that I'm
24 referring to the subject line, I suppose, is
25 "September Mid Month NR." What do you

1 understand that to mean?

2 A. During the time period in September we were
3 requested to respond back to our supervisors,
4 who was Edward Mirza, my supervisor at the
5 time, an update of our poor-performing
6 locations and respond back to our role of what
7 we are -- what were recommendation -- our
8 recommendations.

9 Q. It looks like, and this is for clarity's sake,
10 from September 2016. Were these midmonth NR
11 emails generated every month for some period
12 of time or for any period of time?

13 A. Our vice president of quality sent out
14 midmonth reports of where inns were at the
15 middle of month to send awareness to those
16 that had responsibility over locations to make
17 sure that we wanted to finish the month
18 positive.

19 Q. So to whom would those reports be sent?

20 A. At least, from my knowledge, to the operations
21 directors.

22 Q. So if we look at 18646, the first email in
23 this chain, just from September 16, 2016, it's
24 an email from Edward Mirza, and you testified
25 that he was your supervisor; correct?

1 A. Yes.

2 Q. And he is sending this email to a group of
3 employees that includes you?

4 A. Uh-huh.

5 Q. Looking at that group, what do you understand
6 that group of people to be?

7 A. Those are all team members that reported to
8 Mr. Edward Mirza.

9 Q. [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 r [REDACTED]

13 A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

■

■

■

■

■

■

■

■

10 A. I don't recall this format. I will recall
11 that the category of "Z - One-Call Resolution"
12 is exactly the reason why I was not as instant
13 to tell you about the \$75 fee.

14 Q. Of course.

15 A. Because now I'm recalling that there was a
16 time that we instituted where we wanted to
17 respond back to the customer, and that's why
18 that says "One-call resolution."

19 Q. Tell me about that. When you say "we," do you
20 mean -- who are you referring to?

21 A. The guest relations department. They would
22 respond back to the customer. If the inns
23 reached a certain threshold of those
24 complaints, they then fell within the one-call
25 resolution list where the guest relations

1 would respond on behalf of the franchisee.

2 They no longer have the opportunity to

3 respond.

4 So the customer who experienced the poor

5 experience was going to get a response back

6 because that franchisee -- sorry; the customer

7 doesn't know they stayed at a franchise hotel,

8 they stayed at a Red Roof, and our brand name

9 itself was -- that's the reputation.

10 Q. So I just want to make sure I'm understanding

11 how this all worked. There was a certain

12 threshold of what? I mean, how did a

13 franchisee get to a place where they were put

14 in this one-call resolution category?

15 A. It was number of complaints per 10,000 rooms

16 sold.

17 Q. Okay. Complaints as measured how?

18 A. Through negative responses, through negative

19 complaints, NRs.

20 Q. NRs to either the guest services email or the

21 guest services 1-800 number?

22 A. Correct.

23 Q. Would that include complaints that were

24 submitted other places like Tripadvisor or

25 Google reviews or other things of that nature?

1 A. Towards the end of my time at Red Roof, there
2 was other measurements that were used, were
3 Tripadvisor scores, I believe Google alerts
4 scores, but I cannot confirm for sure. Those
5 were all put into a -- what do you call it --
6 a percentage category. And, I apologize, I
7 just lost my train of thought.

8 The category of guest complaints,
9 Tripadvisor reviews, perhaps another category
10 was used to determine the hotel's performance.
11 So there was an evolution in the 12 years in
12 franchising.

13 Q. Of course. And so the variables that made up
14 that sort of performance score changed over
15 time?

16 A. Yes.

17 Q. But if a franchise fell below a certain score,
18 you're saying that they got placed into this
19 one-call resolution category; is that correct?

20 A. I'm going to clarify. If they were above the
21 number of complaints, they would fall into the
22 category.

23 Q. Okay. And so here we have a guest complaint.
24 Would you say that it appears based on the
25 description that it sounds like this was a

1 phone call to a Red Roof customer service
2 line?

3 A. I can only believe it to be a phone call
4 because it says, "The guest stated." If they
5 were to write a letter, they would not have
6 wrote it like that.

7 Q. Sure. This NR report, it was, obviously,
8 generated midmonthly for some period of time.
9 Was there also a monthly report?

10 A. Yes.

11 Q. And would those monthly reports have been
12 distributed to the same group of people,
13 presumably?

14 A. At least, yes.

15 Q. Was there an annual version of the report; do
16 you know?

17 A. There was a quarterly version of some type,
18 and to assume then the fourth quarter would be
19 the annual report because it would show year
20 to date.

21 Q. Understood. So this report, the one that is
22 excerpted and that appeared on Row 453 of the
23 "Negative" tab in this spreadsheet, would it
24 be fair to say that -- I'm reading from the
25 text of the description, "Guest stated that

1 A. Phil Hugh is our chief development officer,
2 Dorraine Lallani was our asset -- was the
3 asset manager.

4 Q. The asset manager for whom?

5 A. For Red Roof, from my understanding.

6 Q. Okay. And Andy, is that a reference to Andy
7 Alexander?

8 A. Andy Alexander, the president of Red Roof.

9 Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 A. I believe --

17 MR. ALLUSHI: Objection.

18 A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23 CONTINUED BY MS. SEALS:

24 [REDACTED]

[REDACTED]

1 6:30, 7:00 because it was an end of the day
2 driving by from another location

3 Q. So you mean 8:00 a.m.?

4 A. A.m.

5 Q. As early as 8:00 a.m. and as late as --

6 A. 6:30, 7:00.

7 Q. Okay. Did you typically, if you were doing a
8 visit, stay overnight at a location?

9 A. If I was doing a visit, I typically stayed
10 overnight at a location -- at a Red Roof Inn,
11 it may not be particular at that location.

12 Q. Did you ever stay overnight at the Smyrna
13 location?

14 A. I never stayed overnight at the Smyrna
15 location.

16 Q. Why not?

17 A. Cleanliness, quality.

18 Q. Do you ever recall seeing at the Smyrna
19 location a sign at the front desk referencing
20 that there were no refunds after 15 minutes?

21 A. Yes.

22 Q. What did you understand that to mean?

23 MR. FOX: Object to form.

24 A. The front desk wanted a customer to go into
25 the room, take a look, inspect, see if they

1 wanted the room to avoid having to refund the
2 room. Some customers stay at hotels, not
3 particularly specifically to Smyrna, but
4 hotels that I've overseen, perhaps, take a
5 shower, change clothes for a party or an
6 event, and then check out. They just needed
7 space.

8 CONTINUED BY MS. SEALS:

9 Q. When you were at the property -- and, granted,
10 it sounds like -- strike that.

11 Did you ever visit the Smyrna property
12 later than eight p.m.?

13 A. I do not recall later than eight p.m.

14 Q. When you visited the Smyrna property, did you
15 see -- do you recall ever seeing women
16 loitering at the location?

17 A. I've never seen women loitering in a location.

18 Q. Would you say that security needs are
19 different in different locations?

20 A. Yes.

21 Q. Would you say that there's a need for greater
22 security where crime is higher?

23 MR. ALLUSHI: Objection.

24 A. It depends.

25 CONTINUED BY MS. SEALS:

1 STATE OF INDIANA)
) SS:
2 COUNTY OF HAMILTON)

3

4 I, Lindsay N. Bola, Notary Public in Hamilton
County, Indiana, do hereby certify that the deponent
5 was by me sworn to tell the truth in the aforementioned
matter;

6 That the video deposition was taken on behalf of
the plaintiffs at the time and place heretofore
7 mentioned with counsel present as noted;

8 That the video deposition was taken down by means
of Stenograph notes, reduced to typewriting under my
direction and is a true record of the testimony given
9 by said deponent and was thereafter presented to the
deponent for signature.

10 I do further certify that I am a disinterested
person in this cause of action; that I am not a
11 relative or attorney of any of the parties or
otherwise interested in the event of this action and am
12 not in the employ of the attorneys for the respective
parties.

13

14 IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my notarial seal this 28th day of March 2022.

15

16



17

Lindsay N. Bola, Notary Public

18

19 County of Residence: Hamilton

20 My Commission Expires: March 16, 2024

21

22

23

24

25